

Patent
Docket No.: 1200210-2WO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
IPEA/US

In re Application of:

POLYONE CORPORATION, David
FOELL, and William BJERKE

Serial No.: PCT/US03/032467
Filed: October 14, 2003 (14.10.03)

Examiner: M. Safavi

For: INSERT PANEL FOR
CONCRETE FILLABLE
FORMWORK WALL

VIA FAX:
703-305-3230

Rule 34 Amendment

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Introductory Comments

In response to the Written Opinion mailed December 10, 2004, Applicants submit remarks, replacement pages for their claims, and pages showing how the claims were amended.

All Claims, amended, are novel over either U.S. Pat. No. 5,740,648 (Piccone), or U.S. Pat. No. 6,219,984 (Piccone) or Belgian Pat. Publication 400,252 (Mans) (each used to reject Claims 1-3) because Claim 1 now emphasizes that the structure of the insert panel is configured in such a manner as to create a triangular closed area and a substantially flat wall along the element or elements to which the insert panel is engaged.

Nothing in Patent '984 (Piccone) discloses or suggests the claimed invention: an insert panel so configured as to form a triangular closed area between wall faces of adjoining octagonal elements. The gap finishing piece 13 of Fig. 9 engages the wall

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Date January 5, 2005

Signed John H. Hornickel
John H. Hornickel, Reg. No. 29,393

connection of projection 27 with sockets 37 or 38 on a connecting element 36, not at the ends of the finishing piece to adjoining wall faces. At best, the means of engagement of piece 13 to the structure creates two triangular closed areas of smaller size and less utility (see page 15, lines 4-10 of this application).

Nothing in Patent '648 (Piccone) discloses or suggests the claimed invention either. This Piccone patent does not teach an octagonal form element; it teaches the creation of octagons from a plurality of elements 12 "joined together by connecting members 14." (Col. 3, Lines 14-15). This document requires two adjoining elements 12 to meet a connecting member 14, such that end 48 of one element 12 can engage the female portion 82 of connecting member 14 while end 50 of the other element 12 can engage the female portion 84 of the same connecting member 14. The section of the connecting member 14 between engaging means 62 and engaging means 78 and splits the closed area in half. As with Patent '984, this combination of elements 12 and connector 14 creates two triangular closed areas of smaller size and less utility (see page 15, lines 4-10 of this application).

Finally with respect to both Piccone patents, a close examination of both Figs. 1 will reveal that neither creates a substantially flat wall because of recesses at points of connection or contact. In comparison, as seen in Applicants' Figs. 7, 8, and 11, the insert panels of Figs. 6, 9 and 10 are so configured as to create substantially flat walls (without structural recesses) and also create a single triangular closed area whether along a wall (Fig. 7) or at an outside corner (Fig. 11).

The Belgian patent publication (Mans) is even farther removed from the claimed invention. Figs. 3 and 4 are corner pieces that avoid flatness and accentuate the contours of the wall segments 1 and 2 seen cross-sectionally in Fig. 2. No triangular closed area is possible, either at the corners or along the wall between segments 1 and 2.

The claimed invention is inventive over these three references because nothing in them, alone or in combination, suggests the structure of an insert panel that is adapted at its engaging ends to mate with octagonal tubular formwork form element(s) to provide both a triangular closed area and a substantially flat wall surface.

With the formwork form element having an octagonal shape, the mating of the insert panel provides not only a structural geometric advantage via the triangular

linkage, both along walls and at corners, but also provides an aesthetically pleasing appearance that does not reveal the locations and means of connection of form elements. Please compare Figs. 7, 8, and 11 with both Figs. 1 of the two Piccone patents.

The shape of the male engagement portions necessarily is predicated on the shape of the matching female engagement portion on the elongated tubular formwork form element. Claims 2 and 3 identify such embodiments by either overall description (Claim 2) or overall shape (Claim 3). Regardless of particular mating configuration, the result is the triangular closed area 24 and a substantially flat wall surface.

Applicants have also amended their claims to remove any doubt about dependency of the various claims and made other clarifying amendments not required because of the prior art.

If there are any matters that prevent a Positive International Preliminary Examination Report, the Authorized Officer Examiner is invited to contact the Undersigned by telephone.

January 5, 2005
Date

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